

Missouri, United Telephone Company of Texas, Inc., United Telephone Company of the West, United Telephone Company of Florida, The United Telephone Company of Pennsylvania, United Telephone Company of New Jersey, Inc., United Telephone Company of the Northwest, United Telephone Company of Ohio, United Telephone Company of Indiana, Inc., Central Telephone Company, Central Telephone Company of Florida, Central Telephone Company of Illinois, Central Telephone Company of Virginia, and Central Telephone Company of Texas

Stephenson, Todd

Subscriber TV Partners

Suite 12 Group

Technology Engineering Company

Telephone and Data Systems, Inc.

Total TV, Inc.

United States Interactive and Microwave Television Association
United States Telephone Association

University of California

University of Colorado

University of Texas System

U S WEST, Inc.

Utilities Telecommunications Council

Video/Multipoint, Inc.

Video/Phone Systems, Inc.

Virginia Communications, Inc.

Western Sierra Bancorp

Wireless Cable Association International, Inc.

Wireless Cable, Ltd.

Parties filing reply comments:

Anchorage Telephone Company

Bell Atlantic Personal Communications Co.
Calling Communications Corporation
Coalition for Wireless Cable
Cole, Raywid & Braverman
Comcast Corporation, Jones Intercable, Inc., and Cablevision Industries Corporation
Digital Microwave Corporation
Eagle Engineering
Gigahertz Equipment Company
GTE Service Corporation
Hughes Space and Communications Company
Leaco Rural Telephone Company
M3 Illinois Telecommunications
Motorola, Inc.
Motorola Satellite Company
National Aeronautics and Space Administration
National Association of Regulatory Utility Commissioners (NARUC)
National Council of LaRaza
New York Department of Public Service
Public Broadcasting Service
RioVision of Texas, Inc.
Rumore, Victor
Sprint Corporation
Suite 12 Group
Telephone & Data Systems, Inc.
Thomas & Associates
Video/Phone Systems, Inc.

U.S. Telephone Association

Wireless Cable Association

Parties making ex parte communications:

American Institute of Aeronautics and Astronautics

Bell Atlantic

Bridgewater State College

Bridgewater Television Research & Development Committee

Town of Bridgewater, Massachusetts

Honorable Lloyd M. Bentsen

Honorable John Bryant

Calling Communications

Coalition to Preserve the Primary Status of the 27.5 - 29.5 GHz
Band for Satellite Services

Decathlon Communications, Inc.

Endgate Technology Corporation

Honorable E. (Kika) de la Garza

Hughes Space and Communications Company

Motorola Satellite Communications, Inc.

MSS Above 1 GHz Negotiating Committee

National Aeronautics and Space Administration

National Telecommunications and Information Administration

Norris Satellite Communications, Inc.

Office of Science and Technology Policy, Executive Office of the
President

Plymouth County Selectmen's Association

Suite 12 Group

Video/Phone Systems, Inc.

Separate Statement

of

Commissioner Andrew C. Barrett

Re: Local Multipoint Distribution Services; Second Notice

I support this action to institute a Negotiated Rulemaking to determine the feasibility of resolving technical sharing and allocation issues raised by LMDS, Ka band satellite, and LEO proponents seeking feeder links in the 28 Ghz band. However, I must register my concern that this process is not used to unnecessarily delay the introduction of new services or technologies in the near term. In this regard, I am particularly sensitive to the Commission's treatment of small business proponents who seek to provide new technologies or services to the public. We have instituted a pioneer preference process to attempt to rectify some of the inequities of presenting new proposals to the Commission. Further, our statutory directive with respect to auctions allows the Commission to be sensitive to the participation of small business in various spectrum-based service allocations.

The Negotiated Rulemaking process is a mechanism for the Commission to resolve technical issues that it otherwise does not have sufficient expertise to resolve on its own. To date, it has been used to resolve technical issues between proponents of a particular service that we have authorized, such as Low Earth Orbit satellite services. However, until now, this process has not been used to resolve potential technical issues between different service allocation proposals which have not yet been authorized. Thus, in this context, I am concerned that the Negotiated Rulemaking process is not used as a de facto barrier that prevents small businesses from pursuing innovative service allocations in a timely manner. If I perceive that the Negotiated Rulemaking process is used as a means of unduly delaying the market entry of viable, innovative services, particularly those proposed by small businesses, I will not hesitate to withdraw my support for this process, either in this docket, or in future dockets where the process is considered. Thus, I believe it is in the interest of all parties to this proceeding to resolve their technical issues expeditiously.

It is my hope that other interested parties such as rural interests, small business groups, state PUCs, municipalities, minorities, and women would take this opportunity to comment on the relative public interest merits of the different services proposed for this 28 Ghz band; particularly in terms of new ownership opportunities, jobs, market competition and economic development. Perhaps some of these interests should register their concerns during this Negotiated Rulemaking process. We must monitor the evolution of this process very closely to ensure

it does not unduly delay new services from small businesses.